

EXHIBIT 28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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PAMELA RHEINFRANK, et al., . CIVIL NO. 1:13-CV-144

Plaintiffs, .

. Day 6 of Jury Trial

- v -

. Thursday, October 15, 2015

ABBOTT LABORATORIES, INC., . 9:02 A.M.

et al., .

Defendants. .

Cincinnati, Ohio

.....

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SUSAN J. DLOTT, AND JURY

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1 Q. Okay. But otherwise, she needs supervision?

2 A. Yes.

3 Q. Okay. And you had said that part of the supervision that
4 she gets is from in-home care, and some of the caregivers are
5 her sisters?

6 A. Right.

7 Q. All right. Are her sisters actually employed by those
8 care companies?

9 A. Yes.

10 Q. Okay. And then the care companies send them to your house
11 because they're familiar?

12 A. Right.

13 Q. All right. Let's talk about you for another minute.
14 Okay? You're still diagnosed as epileptic?

15 A. Right.

16 Q. Do you still take Depakote today?

17 A. No.

18 Q. What do you take now?

19 A. Keppra, 250 milligrams, twice a day.

20 Q. And when did you change to Keppra?

21 A. The doctor changed it after I was in a coma. A doctor at
22 Bethesda North Hospital changed it.

23 Q. Tell us about that. You were in a coma when?

24 A. 2008.

25 Q. All right. And what happened? How did you get to be in a

1 Q. Okay?

2 A. All right.

3 Q. And you stayed on both Depakote and phenobarbital all the
4 time until was born, and afterwards; correct?

5 A. Until 2008.

6 Q. All right. So you stayed on phenobarbital and Depakote
7 for actually four years after was born; right?

8 A. Right.

9 Q. Okay. When you had that seizure when you were 14, you
10 were taken to Cincinnati Children's Hospital; correct?

11 A. Correct.

12 Q. And then you started to be a patient there at the
13 neurological clinic at that hospital; correct?

14 A. Correct.

15 Q. All right. And, in fact, when you got pregnant a couple
16 of years later, you had your obstetrical care in the clinic at
17 Cincinnati Children's; correct?

18 A. No. I thought I was followed for the pregnancy through
19 U.C. Hospital for the first three children.

20 Q. Okay. For the first three kids of yours, you were
21 followed at Children's; did I hear that correctly?

22 A. No. U.C. Hospital, University of Cincinnati.

23 Q. Okay. All right. I'm sorry. I'm just not following. My
24 fault.

25 For your first three children, where did you see

1 MR. STRAIN: I don't see what's unfair about it.

2 THE COURT: Overruled.

3 A. Once again, after was born, my goal was focused on
4 . Not trying to find out what happened. It was to get to
5 the answers and how to help .

6 Q. Okay. Mrs. Rheinfrank, after was born, I think you
7 said you were told by Dr. Saal that Depakote had caused 's
8 injuries; correct?

9 A. Correct.

10 Q. And you were told that very quickly after was born;
11 right?

12 A. Not sure how quickly.

13 Q. Well, was it -- were you told that within a few days or a
14 few months? Can you estimate for us?

15 A. Probably months.

16 Q. Okay. So within a few months, Dr. Saal told you that he
17 believed that 's injuries were due to Depakote; is that
18 correct? Do I have that right?

19 A. Right.

20 Q. Okay. Now, you continued to use Depakote anyway for
21 another four years, Depakote and phenobarbital; right?

22 A. Right.

23 Q. Okay. So during that period of time when you -- I won't
24 call what Dr. Saal told you a warning but he told you point
25 blank Depakote had caused the birth defect; right?

1 A. Right.

2 Q. And you continued to use Depakote and phenobarbital even
3 though you already knew that; right?

4 A. Right.

5 Q. Okay. You were -- I think when was born, you were
6 not quite 30. Do I have that right?

7 A. Probably close to 30 but not 30.

8 Q. You turned 30, I think, a month-and-a-half later; right?

9 A. Probably, yeah.

10 Q. And she was your fifth child?

11 A. Correct.

12 Q. You certainly still could have more babies; correct?

13 A. I didn't want more babies.

14 Q. I understand. But you didn't plan any of the other
15 pregnancies; right?

16 A. Right.

17 Q. Okay. So you knew another pregnancy could happen just like
18 the other five had; right?

19 A. Yeah. And I did my best to prevent it.

20 Q. Well, you had done your best to prevent the other
21 pregnancies, hadn't you?

22 A. What do you mean by that?

23 Q. Well, you said they were unplanned.

24 A. Right.

25 Q. Now, you actually while you were using Depakote during

1 She thinks she is pregnant," et cetera. Do you see that?

2 A. I see that.

3 Q. Do you remember while you were still using Depakote -- I
4 know you just said you took steps so you wouldn't get
5 pregnant -- do you remember you thought you actually were
6 pregnant at one time?

7 A. No, I don't remember that.

8 Q. Do you remember going to the emergency room at Good
9 Samaritan Hospital in 2008 because you -- I'm sorry -- because
10 you thought you were pregnant?

11 A. I don't remember going there for that.

12 Q. Do you remember -- are you thinking you went -- excuse me.
13 Are you thinking you went somewhere else for that?

14 A. No, I remember going there being sick, but I don't remember
15 thinking I was pregnant.

16 Q. Well, after Dr. Saal back in -- sometime within months of
17 July of '04 told you that he thought Depakote had caused a
18 birth defect in your daughter and you continued to use
19 Depakote, you have said earlier that you wouldn't have used
20 Depakote -- we're talking about before [redacted] was born -- you
21 wouldn't have used Depakote if a doctor told you it could cause
22 birth defects; right?

23 A. If a doctor had told me, no, I wouldn't.

24 Q. But see, Mrs. Rheinfrank, starting in 2004, you knew
25 Depakote could cause birth defects and you kept on using

1 Depakote; right?

2 A. Because that's what the doctor gave to me, and I took other
3 steps as well to ensure I didn't get pregnant again.

4 Q. Before you were pregnant with , were you taking steps
5 to be sure you didn't get pregnant?

6 A. I've went times without having intercourse. I've been
7 on -- I remember getting a shot, Depo-Provera.

8 Q. Was that before was born?

9 A. I don't remember -- I think it was after.

10 Q. Okay.

11 A. As well as using condoms. There was different steps that I
12 took to make sure I didn't have another child.

13 Q. I'm asking about now before was born. Were you just
14 talking about that?

15 A. It was both. Before and after.

16 Q. Okay. So before was born, you were taking steps not
17 to get pregnant; right?

18 A. Right.

19 Q. After was born, you were taking steps not to get
20 pregnant; right?

21 A. is the reason I kind of took extra steps after the
22 fact when was born.

23 Q. After was born, you already knew about Depakote and
24 birth defects for sure, right, because Dr. Saal told you?

25 A. After was born, yes.

1 later --

2 THE COURT: Great. I wouldn't mind 10 o'clock.
3 We'll never get done. Okay. See you all tomorrow.

4 MR. McCAULEY: Thank you.

5 MR. STRAIN: Thank you, Your Honor. (5:40 P.M.)

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7 JURY TRIAL CONTINUED IN PROGRESS UNTIL
8 FRIDAY, OCTOBER 16, 2015, AT 9:00 A.M.

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14 C E R T I F I C A T E

15 I, Mary Ann Ranz, the undersigned, certify that the
16 foregoing is a correct transcript from the record of
17 proceedings in the above-entitled matter.
18

19
20 s/Mary Ann Ranz
21 Official Court Reporter
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